

REMARKS

Claims 70, 72-78, 82-86, 91, 96 and 98-102 are pending in the case. Claims 101 and 102 have been withdrawn. Reconsideration of the rejections is respectfully requested in view of the amendments and remarks.

Applicants appreciate the Examiner's indication that Claim 91 is allowed.

Claims 70, 72, 76, 78, 82, 85, 86, 96 and 98-100 have been rejected under 35 USC 103(a) as being unpatentable over the combination of Comai et al. (US 4,218,443) in view of Guegler et al. (US 2002/0052034), Nozaki et al. (Clin. Chem. 30(5): 748-751), Taber's Medical Dictionary and Wang et al. (Effects of albumin and apolipoprotein C-II on the acyl-chain specifically on lipoprotein lipase catalysis, Journal of Lipid Research,, vol. 34, No. 12, pp. 2091-2098, 1993).

Claims 70, 99 and 100 claim, *inter alia*, "a fatty acid-acceptor substance or a fatty acid-sequestering substance which avoids or limits the blockage of the enzymatic activity of the lipoprotein lipase for a period of time sufficient for releasing at least in part non-esterified fatty acid from the triacylglycerol."

In the rejection, Guegler is cited for the teaching of establishing that lipase, and lipoprotein lipase are central to lipolysis and control the balance of free fatty acids in adipose tissue. As described in the present application, inhibitors are "described in the scientific literature for being inhibitors which act by competition with the substrate of the enzyme." Guegler is no different, teaching in paragraph [0067] of the published application that "[t]he proteins of the present invention are also useful in competition

binding assays.” The claimed invention blocks competition. That is the claimed invention “avoids or limits the blockage of the enzymatic activity.” Guegler uses competition binding assays; that is, the blockage of a competition, essentially as claimed, would render Guegler unsuitable of the stated intended purpose. Therefore, the proposed combination of Guegler together with the other cited references is not believed to be proper. Moreover, Guegler fails to teach or suggest the claimed invention of avoiding or limiting the blockage of the enzymatic activity of the lipoprotein lipase.

Claims 72, 76, 78, 82, 85, 86, 96 and 98 depend from Claim 70 and are believed to be allowable for at least the reasons given for Claim 70. Reconsideration of the rejection is respectfully requested.

Claims 70, 72, 76-78, 82, 85, 86, 96 and 98-100 have been rejected under 35 USC 103(a) as being unpatentable over the combination of Comai in view of Guegler, Nozaki, Taber's Medical Dictionary and Wang as applied to Claims 70, 72, 76, 78, 82, 85, 86, 96 and 98-100, and further in view of Vanjo et al. (Inhibition of Lipoprotein Lipase by Benzene Boronic Acid Effect of Apolipoprotein C-II, *Biochimica et Biophysica Acta*, 711, 386-390, 1982).

The proposed combination of references fails to overcome the deficiencies of Guegler noted above. That is, Guegler uses competition binding assays. The blockage of a competition, essentially as claimed, would interfere with the competition binding assays of Guegler. Therefore, the proposed combination of Guegler together with the other cited references is not believed to be proper- the proposed combination would render Guegler unsuitable for its intended use. Moreover, Guegler fails to teach or suggest the claimed

invention of avoiding or limiting the blockage of the enzymatic activity of the lipoprotein lipase.

Claims 72, 76-78, 82, 85, 86, 96 and 98 depend from Claim 70 and are believed to be allowable for at least the reasons given for Claim 70. Reconsideration of the rejection is respectfully requested.

Claims 70, 72-78, 82-86, 96 and 98-100 have been rejected under 35 USC 103(a) as being unpatentable over the combination of Comai in view of Guegler, Taber's Medical Dictionary, Wang and Vanio as applied to Claims 70, 72, 76-78, 82, 85, 86, 96 and 98-100, and further in view of Kobayashi (US 3,875,007).

The proposed combination of references fails to overcome the deficiencies of Guegler noted above. That is, Guegler uses competition binding assays. The blockage of a competition, essentially as claimed, would interfere with the competition binding assays of Guegler. Therefore, the proposed combination of Guegler together with the other cited references is not believed to be proper – the proposed combination would render Guegler unsuitable for its intended use. Moreover, Guegler fails to teach or suggest the claimed invention of avoiding or limiting the blockage of the enzymatic activity of the lipoprotein lipase.

Claims 72-78, 82-86, 96 and 98 depend from Claim 70 and are believed to be allowable for at least the reasons given for Claim 70. Reconsideration of the rejection is respectfully requested.

For the forgoing reasons, the present application, including Claims 70, 72-78, 82-86, 91, 96 and 98-100, is believed to be in condition for allowance. The Examiner's early and favorable action is respectfully urged.

Respectfully submitted,

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By



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